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43. Chris Short, cited in Head, "Technical Advances Are Turning *Big Brother* into a Big Money Spinner," 59.

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45. Interview with John van der Putten, "Endemol Wants Interactive Enhancements That Make Its Websites Live On without a TV Show," *Backstream*, 11 January 2002, www.europemedia.net/shownwvs.asp?ArticleID=7571.

46. See Chris Pursell, "To Import or to Format: That Is the Question," *Electronic Media*, 15 January 2001, 64; and European Audiovisual Observatory, *Yearbook 2002: Film, Television, Video, and Multimedia in Europe* (Strasbourg, 2002). On the internationalization of TV and film production, see Ted Magder and Jonathan Burston, "Whose Hollywood? Changing Forms and Relations inside the North American Entertainment Economy," in *Continental Order? Integrating North America for Cybercapitalism*, ed. Vincent Mosco and Dan Schiller (Oxford: Rowan and Littlefield, 2001); and Toby Miller, Nitin Govil, John McMurria, and Richard Maxwell, *Global Hollywood* (London: British Film Institute, 2001).

Court TV

The Evolution of a Reality Format

Chuck Kleinhans and Rick Morris

Court TV, which began broadcasting in 1991, is a twenty-four-hour-a-day, U.S. cable channel featuring live coverage of trials during the daytime along with syndicated court and police dramas, news features, and related legally themed programming during prime time. The channel began, however, as a relatively simple and low-cost "public service" content provider. In negotiating initial cable contracts with local governments, cable providers proposed that CNN, the Weather Channel, and other basic package channels provided a unique and educational benefit, and Court TV claimed to fill this educational and informational niche as well. The earliest programming presented a "window-on-the-world" depiction of courtroom reality, but since then the channel has evolved. Today, Court TV's trial coverage is marked by dense visualizations and constant commentary, while its prime-time programming, which once focused on replaying trial highlights, follows the trends established by the major networks. The shift is the product of the bottom line. While adversarial legal dramas in the Western tradition go back to the Old Testament and Greek tragedy, and offer familiar narrative forms, Court TV faced many challenges in combining its ostensible public service function with enough entertainment to entice a sufficient and predictable audience in order to attract advertisers. In this chapter, we argue that the transformation of Court TV presents a model case for studying reality TV's evolution in a new era of declining ratings and growing competition.

Bankrolled by Time Warner, Court TV was founded by an iconoclast entrepreneur, Steven Brill, with an idea for a cable channel that would

show judicial proceedings. An aggressive personality who founded the controversial *American Lawyer* magazine, Brill had a mission of opening courts to television cameras, informing the public, and making money. After a bumpy start-up, the channel hit its stride with the O. J. Simpson trial (1994), but then faced a decline in audience and revenues. This goal has been overlaid with the problems of uneven courtroom access, the nature of breaking news, time shifts across the country, and the need for expert commentary that contextualizes and explains legal fine points. Subsequently, the channel began to offer mainstream forms of talk and reality daytime programming, prompting spin-off and copycat derivatives. These formats filled the same demand for low-cost content in Court TV's prime time that fueled the expansion of reality TV.¹

Early ratings were barely visible, but the ratings have risen over time. Even though the network started broadcasting in 1990, the ratings growth was slow. It was not until 1999 that the cable network could claim an average monthly prime-time rating of even 0.4.² Yet the growth after 1999 has been consistent; by 2002, the network was boasting a prime-time rating of 0.8 and fifty-one consecutive months of increased viewership.³ In 2002, Court TV had seventy million viewers.⁴ To accomplish this growth, it launched a rebranding campaign that reinforced a move to continuous sensationalism, positioning itself as the "home of investigative programming."⁵ The channel's vision is to involve people in "puzzle solving and suspense" as well as the "process of investigation." Admittedly seeking to capitalize on the success of other reality programming, the network tried a show called *Confessions* that featured videotaped confessions of murderers and rapists.⁶ In late summer 2002, Court TV sold episodes of its documentary show *Forensic Files* to NBC for prime-time broadcast.

We found six crucial factors that explain Court TV's success. First, its producers developed sophisticated televisual presentational forms, and second, the channel synthesized a hybrid narrative form, which maintains interest during daytime trials. Third and fourth, Court TV hooked viewers by using celebrity trials (and making some trial figures into celebrities), and by focusing on trials that raise hot issues such as physical, sexual, and emotional abuse, child abduction and murder, and physician-assisted suicide. Fifth, in contrast to the current commonplace that television has increasingly shortened people's attention span by using quick-cutting and collage forms, significant parts of the audience have not been conditioned to an MTV pace, and some of television remains "illustrated radio" or

based on interviews and "talking heads." Finally, we live in a society in which the public is more aware of legal issues and more likely to find them interesting.

The Reality Effect: Boredom

Court TV presents interesting questions for thinking about "docutainment" in its most commercial, mass media form—that is, on television. These matters were raised to the level of national public discussion on the channel's third birthday, when the Simpson pretrial hearing began in 1994, and continued at a high pitch throughout the subsequent criminal trial, which put the fledgling network on the map of U.S. consciousness. As sensational as the trial was, however, the attention and ratings didn't hold, and Court TV faced a subsequent viewership and financial drought before reinventing itself beginning in 1999.

Court TV's central programming strategy is to air court trials, but this creates major challenges. Regardless of how interesting a trial might be, the rules and procedures of the U.S. justice system raise fundamental problems for the practice of broadcasting. To put it bluntly, most of the time most people find the courtroom process by its very nature slow moving and boring. The artistic techniques of re-created drama or docudrama—such as the various network presentations on Amy Fisher, or the dramatic trial scenes found on *Law and Order* or *The Practice*—are not present in actual courtrooms.⁷ Unlike such fictional narratives, genuine trials contain unexpected delays, recesses, and unscheduled changes. Trial law strategies and tactics, taught in law school and refined by lived experience, call for the painstakingly slow, step-by-step, deliberate building of a prosecution case, and the equally methodical and systematic deconstruction of the prosecution's case by the defense. Even the most colorful criminal defense attorneys spend most of their time in the courtroom quietly sitting and listening.

Further complicating the situation, the use of television cameras in courtrooms is severely restricted. Thus, ingenuity is necessary for televisual presentation. For example, in most states the camera cannot show the jury. Coverage almost always takes place with a single camera in a fixed, usually remote-controlled position that must be placed in a relatively inconspicuous place in the courtroom. As a result, crosscutting is impossible, and the use of zoom and pan/tilt is the only option for variety.



In the early 1990s, limited camera position and captioning presented a spare view of the trial process. Here, a stony-faced complainant presents a simply mute and unexpressive demeanor during the events.

Since the camera operator often works from a remote location, what the camera observes at any one moment is further restricted. The operator may not know about a significant gesture or expression taking place in the courtroom but beyond the camera frame. While camera movement does take place, it is usually directed by the voices heard. Thus, if a witness testifies that they saw the defendant at the scene, the camera will typically move from the witness to the accused at this moment. In some cases, the view is restricted by law (for example, the alleged victim's face in the William Kennedy Smith acquaintance rape trial was obscured by a blue dot), editorial decision (when large police or coroner photos of murder and assault victims are introduced in court, typically the Court TV camera views them only in wide angle and quickly pans away), or environmental factors such as uneven lighting or court personnel in the line of sight.⁸ In other situations, camera position may greatly restrict the view, as in the first Menendez brothers' murder trial where the camera was high above and behind the defense tables so that often only the backs of the defendants' heads could be seen or a rear-side view of them when they turned

to speak with their lawyers.⁹ (Their own testimony in their defense was head-on, however, providing maximum effect to their often tearful story.) Further complications ensue from restrictive microphone placements that sometimes drop audio levels when speakers turn or change position. In addition, audio privacy must be respected during consultation discussions among the defense and prosecution, the judge's bench conferences and asides, and communications among courtroom administrative and service staff. From the point of view of TV's creative personnel, it would be hard to imagine a more constrictive format for covering a slow-moving, methodical, and procedural courtroom process.¹⁰

Developing Court TV

Court TV had to find space on cable systems. In the relatively early days of cable, channel allocations were scarce due to a lack of technological capacity. Therefore, a new programming service had to justify why it was more compelling or important than other start-ups in order to gain access to an audience. One method used to get the attention of cable system operators was to be an essential public service. In the beginning, the channel proudly announced its public service aspects in self-promotional materials. One premise of its rhetoric was that the U.S. public would become better educated about and would participate more in their justice system.¹¹ The lure of a public service cable channel was that it helped cable operators gain franchise agreements with local city boards by promising programming that sounded important and that was not available on the commercial networks. Court TV used these public interest arguments not just for the public, to obtain vital access to the courts, and to gain acceptance and channel space within the cable industry but also for lawyers themselves—Court TV carried continuing education for lawyers in the early weekend mornings.

But as mainstream media's promises of public education have given way to general entertainment and sensationalism, so has Court TV moved toward appealing to the amusement interests of the audience. During the channel's early years, much of its schedule was devoted to actual trials during the day while prime-time trials were edited down to a "recap" show—one that would cover only the highlights of the day's trial. The prime-time version was more interesting because the pacing was enhanced through the time compression of selective editing, and commercial breaks

were logically built into the format. The network featured other original programming including a prison documentary called *Lock and Key*, and municipal night court and small-claims court shows. The latter two eschewed sensation for unpredictable human interest drama. In one eviction case, for example, the tenant dramatically trumped the landlord's claims by bringing forward snapshots of unrepaired rat holes and even photos of rats on the kitchen counter and kitchen table near her children to bolster her assertion that she withheld paying rent because the owner did not take action on the vermin problem. The judge, after inspecting the pictures, found for the defendant and fined the landlord. For the most part, while watching Court TV in its early phase, one had a feeling of insider voyeurism: really observing the justice system. But such pleasures, even though the evening and weekend shows were edited down, were ones that rewarded the viewer with a taste for quotidian reality who found it interesting to view ordinary people rather than celebrities, routine cases such as "drunk and disorderly," or quarreling neighbors rather than high-profile murders. After a decade, the network has changed.

Court TV publicly states its trial selection criteria as follows: newsworthy; trials that contain important social issues (for instance, date rape or spousal abuse); and watchable (apparently a code word for "entertainment").¹² Nevertheless, it has been resoundingly criticized as pandering to the sensational. Although Court TV executives deny that they seek sensation and cover spectacles, they signed deals with Time-Life to release some of their more important trials on video. And their first choices to be released? The William Kennedy Smith date rape trial and "Til Death Do Us Part," a case involving a New Hampshire school administrator charged with using her teenage lover to murder her husband.¹³ The two John Wayne and Lorena Bobbit trials provided sensational topics, as have the several Dr. Jack Kevorkian assisted-suicide trials. The Jenny Jones civil trial managed to combine the TV talk show host's own celebrity with replays of the episode of the original Jones program on which a gay man confessed his "secret crush" on a heterosexual man. A few days later, the straight man murdered the enamored fellow; Jones was liable for setting up the initial ambush. Bodily violence, murder, sexual tension, and celebrity are recurring themes in the trials selected.

Celebrity and Sensation

As mentioned earlier, the Simpson trial created the decisive moment for Court TV's growth and change. It had all the elements of a media event: a sports star turned actor and corporate spokesperson charged with murder, a glamorous female victim, superstar defense attorneys, a cop caught lying on the stand, a media-saturated city, racial conflict, circumstantial evidence, the use of new high-tech science with DNA evidence, and an inept prosecution. The four national broadcast networks decided to cover the trial live daily, as did cable news networks. But it was quickly noted by most critics that Court TV offered the best minute-by-minute coverage and nightly recap. Its ratings received a big boost, and subsequently more cable providers signed up Court TV. In its first three years Court TV had perfected the formula, sharpened its skills at covering breaking news, and had on-air anchors and reporters with experience and expertise, while the major networks had reporters without legal experience, and thus hired Court TV staff. The trial, particularly in its aftermath, embodied social controversy in the public mind: male rage, spouse assault, African American versus white perceptions, and the "not guilty" verdict. In retrospect, Court TV was the remembered mode of the trial-as-event.

Critics of Court TV have often pointed to the network's celebrity trials and offered the charge of sensationalism.¹⁴ As a matter of legal importance, the Smith trial was inconsequential except to the victim and the accused, and obviously "newsworthy" only because of the Kennedy family connection. Further, covering the victim's face with an electronic blue dot gave some formal level of privacy (a matter of journalistic ethics, not law, since the justice system only protects minors from disclosure), but signaled something that needed to be hidden and thus dramatized the situation.¹⁵ Similarly, broadcasting a Charles Manson parole hearing had no significant legal or news purpose since it was a foregone conclusion that the event was a formality, but it made for "good television." The mass murderer began in a rational, controlled, and restrained manner, yet became increasingly wild-eyed and bizarre as the proceedings continued, producing a documentary Jeekyll-and-Hyde transformation.

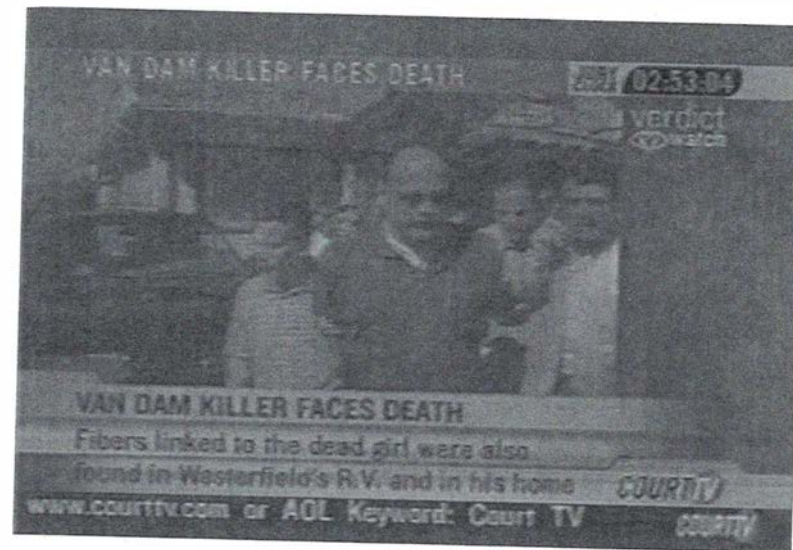
Throughout U.S. history, certain celebrity trials and government proceedings have been the focal point for important public discussions. They provide a national framework for awareness and dialogue, and televised proceedings have amplified that effect. In the 1950s, for example,

the televised Army-McCarthy hearings exposed the Wisconsin senator as a demagogue; in the 1990s, the Anita Hill testimony during the Clarence Thomas Supreme Court nomination hearings produced heated public discussion of sexual harassment issues, and the Bill Clinton impeachment process generated enormous controversy. Before television, the press dramatized trials that were turning points for public discussion such as the Scopes "monkey" trial for the issue of evolution, and later trials had the same effect, such as the insanity defense in the John W. Hinckley trial for shooting President Reagan, and murder-for-profit in the Claus von Bulow trials. The image of media interference with the process of justice was highlighted by the Lindbergh kidnapping case in the 1930s, which led to extensive reform and restriction on press activity during trials. But the emergence of televised trials demonstrated that an opening of public sphere discourse followed from the new technology. For instance, a classic sensational tabloid journalism case, the New York City murder of a child by her extremely abused mother, raised questions about the moral and legal status of abuse victims who in turn abuse, as well as child protection and feminist politics. It is extremely doubtful that public discussion would have been so informed if left to the tabloid reports.¹⁶ Real-time Court TV trial coverage provides more information than headline news summaries.

Court TV's Televisual Form

What is Court TV's audience appeal? Certainly there is a segment of the audience who are law junkies, who for personal or professional interest like following legal proceedings along with the reportage and discussion of them. But Court TV has been proactive in making its product interesting.

For example, in a convergence of technology and textuality, Court TV was a leader in screen captioning.¹⁷ From an ancillary device used to provide live-video explanations as in sports and election returns, Court TV developed it into the major source of information during the trial. The captioning takes up the lower third of the screen, and at times even more data are introduced. Typically during daytime programs, the very bottom of the screen contains a horizontally scrolling text of legal news headlines. Above that sit two ribbons that identify the trial being covered and identity of the speaker. This identity can contain the attorney's name, educational background, past trial record, and so on, or if it is a called witness, who they are and their relation to the events. In addition, a label may clar-



Van Dam child abduction and murder case. Court TV's captioning has developed into a sophisticated means of communication unto itself. Here, "perp-walk" footage of the defendant from months earlier is used to liven up a stretch when the jury is in deliberation.

ify the technical part of the trial (direct examination, cross-examination, and so forth). Similar information appears about the other participants, including the judge and the parties.¹⁸ Here, the captioning makes the complex legal proceedings accessible to those not trained in the law. Other shows have picked up this practice. At times, the text clutter can almost overwhelm the courtroom scene. For example, figure 8.3 shows a recap moment during a time when the live event was jury deliberation. We are watching a flashback to an earlier moment in the trial when the court was listening to an audiotape of a police interrogation of a neighbor, David Westerfield (who was eventually charged with kidnapping and murder). The audiotape was made when a child was simply reported missing. Open captioning is added to the upper part of the screen since the audio was not perfectly clear, and the left side of the screen adds a further explanation. The Court TV logo and a "jury watch" clock are on the right side of the screen. The courtroom camera, a small part of the screen real estate, shows



At one point during the Van Dam case, even more data are introduced on the screen.

the judge and some others present quietly listening to the recording. Nothing is happening, nothing is moving, except the captioning, headline scroll, and jury clock.

Thus we can see that Court TV often involves many layers of presentation. The complexity of visible language onscreen combines with live action to signify the multiple temporal layers of the trial itself. In this case, the official name of the court event (*California v. Westerfield*) is labeled the Danielle Van Dam murder trial, after the seven-year-old child who was abducted from her parents' house in a suburb of San Diego in early February 2002. She was missing for days during a media frenzy to find her. Her mother appeared on a national morning news show appealing to the kidnapper to return her daughter; the body was finally discovered and a suspect neighbor charged with the crime when the girl's blood was found in his RV and on his clothing. Hence, the victim was the initial headline celebrity. The case went forward with astonishing speed. The trial began on 1 June 2002, and jury deliberations started in mid-August. After Westerfield was found guilty, additional presentence hearings were held

and jury deliberation on the penalty phase went into early September. While the case was most newsworthy in southern California (with a block-long set of tents, media vans, and trailers servicing the media present), it provided a national draw in the traditionally slow summer season because the defense sought to discredit the girl's parents. Lurid details of their swinging sexual lifestyle raised the possibilities of other "perverts" having access to the house when the child was abducted.

Despite the drawn-out nature of trials, Court TV offers familiar viewing pleasures. It can be fairly called a hybrid of two of the most successful TV genres: soap opera and sports. Court TV is a functional equivalent for soap operas. The real-world stories covered on Court TV are sometimes more bizarre and therefore fascinating than most fantasies that soap screenwriters could invent. Where else can you find a woman who cut off her husband's penis as revenge for forcing sex with her? The intangibles of soaps are also present. There are some quite likable "characters" in the proceedings. Some rooted for Leslie Abrahamson, the hard-fighting lawyer in the Menendez case, and some were attracted to the Menendez boys themselves. Fan T-shirts and bumper stickers appeared saying "I believe Lyle and Erik." Common within a lawyer's education is a theme that if they are litigators (that is, appear before juries), much consideration must be given to the affective areas such as acting, demeanor, and conduct before the jury, the psychology of the jury, the physical appearances of the lawyers and their clients, and most of all, the ability to tell a story—the story that the lawyer wants the jury to believe. A good lawyer is one who is a good "scriptwriter" in that their story is the most passionate, believable, and consistent/airtight. Technically, the lawyer's education and training involves extensive preparation in developing "the theory of the case." This is basically the story that the lawyer will tell about the client/accused; and this story must unfold in a logical and meaningful way. Much the same as a good script must provide for character development, the lawyer must attempt to introduce their "characters" in the light (hero, villain) that is most crucial to their script. They continue to unfold their story, within the rigors and structure imposed by the legal system, until they get to the final scene, the summation, where they reveal the importance of each vignette in the "big picture" and try to convince the jury that their script was the best. This all proceeds in the legal system's search for justice, and it is all guided by the lawyer's professionalism.

Yet these are also the same subjects as daytime soap operas. Like the soaps, a trial has a fixed number of characters with well-defined roles

(judge, prosecutor, defendant, police, witness for the prosecution, and so on) and distinct personalities (aggressive/passive, colorful/conservative, and the like). Depending on the case, we often see strong female leads. Trials and soaps present strong, emotional situations: sex and violence are a main interest, but they are also of limited duration. Their narrative relies heavily for narrative on the past (testimony is like a flashback). The expression of emotion is controlled by the externals (the courtroom), but it is also essential (tearful testimony, say). There are long stretches in which little happens. You can often miss a day or two, and still come back and easily follow what is going on.

Court TV is also like sports programming, however. There are two sides locked in a dramatic combat with the thrill of an uncertain outcome.¹⁹ The judge is like a referee, and the jury the spectators. There is an offense (direct examination) and a defense (cross-examination). The event is restricted to a specific place and time. Time is dramatically arranged (during recesses, jury deliberations, and so forth, highlights are replayed). replays of significant plays (testimony) are common, and during waiting periods there may be cutaways to other contests. Coverage is set by an anchor who is joined by one or more color commentators. The set for anchors and experts is much like that of a sports show, and the commentary is based around evaluations of performance and strategy for the future.

There is no guarantee of the outcome; it is a live contest. A trial is a test of tactics, and Court TV provides a constant stream of commentary analyzing these tactics. The commentators are lawyers of some repute or experience in the area. Court TV commentary is run much like network sports shows, where ex-coaches and players along with other athletes gather to comment on the action on the playing field, offering their opinions on the skills of the participants and the probable motives for their strategies. The spectacle created by this imitation of sports programming creates "excitement" that keeps the audience entertained and tuned in. It feeds the audiences' familiar pleasures developed from mainstream programming such as soap operas and sports.

Court TV's Success

It wasn't until the last quarter of 1993 that Court TV was monitored by the Nielsen Company. Until that time, the channel's audience was a speculative matter. Broadcasters were unsure of who they were addressing, and

advertisers were unsure of what they were buying. But once available, the data showed that the network had strong demographics. In a 1994 telephone interview, Court TV's director of public relations stated that not only did the network's viewing demographics skew decidedly female but also that its highest viewing is during the day, particularly in the 1:00 to 5:00 P.M. period, when the trials are live.²⁰ This makes some sense in terms of the daytime television audience. And with slow-moving repetition, verbally driven narrative and exposition, and anchor/guest expert discussions, the format fits general expectations for the kind of daytime television you can leave on for hours while doing other things at home.

Indeed, the choice of trials often seems skewed to a female audience. Many trials chosen have a contemporary social interest for women as well as the promise, at least, of interesting drama. The Maglica palimony case showed a de facto female spouse and business partner suing for half of a large fortune she helped create. The Bobbit case showed a woman acting against marital rape, retaliating under duress with a sensational action—actually cutting off her husband's penis. The Nielsen ratings also showed that viewers tend to watch in more sustained stretches than other channels and more per week. Only the Cartoon Network, perhaps a baby-sitting choice, had better statistics. Thus the truth of Court TV's mid-1990s self-promotional blurb, "If watching Court TV were any more addictive, it would be illegal."

While its viewing universe of fourteen million homes in 1994 was only about 15 percent of the total U.S. TV households and 25 percent of the homes reached by cable, its cultural impact rapidly outreached its marketplace penetration. For example, most of the major three television networks used their techniques (and video) in their own coverage of trials, most notably copycatting during the Simpson trial. At the same time, Court TV invaded regular television with a syndicated version of the "network's most high-profile cases" with *Court TV: Inside America's Courts*, and had found ninety-six stations representing 92 percent of the country to carry it.²¹ Also, as parody is certainly a mark of impact, early on Court TV was mocked on *Saturday Night Live* (a Menendez brothers skit).

Today, among the current cable networks, Court TV can be considered a success. It has been on the air for over a decade and continues to garner strong ratings. Another, more salient measure of success is that of commercial advertising rates—in summer 2002, the network's "up-front" commercial sales were showing a 5 percent increase in the "cost per thousand," a measure of the price of commercials.²² This was during a downturn in

the economy, and while larger cable channels such as CNN, A&E, and USA were all showing negative numbers in the same measure. By both ratings and rate cards—two traditional measures of media success—Court TV has made it.

But to achieve that, Court TV has moved from its roots of televised justice in its raw and gritty form to more “legal-tainment” programming—from reruns of Fox’s *Cops* to a refurbished evening lineup including *NYPD Blue*, *Profiler*, and *Homicide*. The changes were not incidental; one industry publication observed that in 1998, the network was on “death row” and in danger of being sold to the Discovery Channel until its owners (Time Warner, now AOL Time Warner and Liberty Media) put cash into the network to buy programming like *Crime Stories* and *Homicide*.²³ They brought in an executive who had previously run Studios USA, where he oversaw the production of the Jerry Springer and Maury Povich shows.²⁴

Court TV claims it is investing \$160 million for new programming over the next two years, including three hundred hours for the 2002–2003 season.²⁵ In this programming change there are four new documentary series. These include the highly successful *Forensic Files*, a show that highlights crime scene investigations and medical forensics, and *The System*, which reexamines notable crimes and trials. Furthermore, Court TV has moved into the field of made-for-television movies, with its second such movie aired in 2002, as well as airing theatrical release films including thrillers/action movies such as *The Panic Room* and *Training Day*.²⁶ The channel has moved far from its so-called public service origins to legal-themed mainstream programming. Gone are the days of early morning and weekend professional education shows aimed at working lawyers. Now the network produces series that imitate other broadcasts on other channels: *Hollywood at Large*, a rehash of *Entertainment Tonight*–style press release items; *Hollywood and Crime*, replaying old celebrities in court stories; *Mugshots*, biographies of famous criminals; and crime among the wealthy elite with Dominick Dunne’s *Power*, *Privilege*, and *Justice* series.

Court TV’s Industry Impact

TV network broadcasting’s move to low-cost reality TV content is evident in changes to traditional network news division programs. Court TV material has been imitated and directly reproduced in shows such as *Dateline NBC*. Relatively unknown past trials are repackaged in a one-hour format

with additional interviews (in the present) with key actors in the drama (victim and accused, if both are alive; often prosecution and defense lawyers; sometimes the jurors, but seldom the judge). The conclusion/verdict is withheld until the last segment. The trials deal with highly dramatic personal events rather than socially or politically significant cases such as corporate pollution or political corruption. For example, a summer 2002 episode of CBS’s *48 Hours* covered a spouse murder investigation and trial. *48 Hours* began as an investigative news show covering institutions and events such as two days in the life of a high school or police station, or two-day events such as behind the scenes at a sports competition. Now called *48 Hours: Monday Night Mystery*, it features simple coverage of a trial. In a typical case aired 12 August 2002, “The Mystery on Slide Mountain,” a husband murders his wife. He drives their SUV off a mountain cliff, claiming that his brakes failed, he lost control, and then he fell out before the vehicle went down the mountainside. The show centers on courtroom coverage (single camera) and lots of interviews (the accused, the defense and prosecution lawyers, the cop who suspected it was murder, members of the wife’s family, and so forth). The narrative sequence proceeds through the event, investigation, and trial process. An on-scene “investigative,” stand-up reporter (Susan Spencer) visits the accident site. The show returns to this location numerous times—there’s news footage of the Emergency Medical Service, a talk with the highway patrol investigator, another visit with the victim’s family, and during the trial the jury visits the scene.

Classic techniques of dramatic suspense are employed by use of withheld information to make plot points before each commercial break. For example, with no foreshadowing, at about thirty-five minutes into the show, we find that while his wife was away on business trips, the husband flirted with other women. During the show, viewers are invited to “vote” on his innocence or guilt by phone or the Internet, and the pro and con running tally is announced several times. In contrast to the traditional journalistic “pyramid” structure in which every key element is quickly reported at the start, followed by elaboration, explanation, and expansion, this organization makes a well-known (locally) public event into a “mystery” for the national audience. Without explanation, we suddenly discover at about forty-eight minutes into the show that there was a hung jury in the first trial, and in the second one (barely covered) the defendant was found guilty.²⁷ The entire show is bookended with Dan Rather being especially pontifical, and badly and hastily reading from a teleprompter in

a "courtroom" setting that doesn't in any way match the actual courtroom. Thus *48 Hours* goes from being a CBS news division standard-bearer into tailing after the *Dateline NBC* format.²⁸

Following the same pattern of decline, in summer 2002 NBC rolled out a new series under the *Law and Order* franchise, *Law and Order: Crime and Punishment*. In a significant innovation, the trial is shot in a multi-camera San Diego courtroom that allows crosscutting in the edit. The trial is supplemented by additional out-of-the-courtroom footage of the deputy district attorneys. In one show, the deputy district attorney is a fortyish female, visibly pregnant, who is shown talking to cops and prepping them for the courtroom testimony as well as speaking with the victim and her family along with a potential defense witness. She is shown at lunch with other deputy district attorneys (all women), and at dinner with her husband and kids. No serious analysis of the trial or its process is provided in these asides; rather, they serve to humanize the prosecutor and discuss her emotional state: worried about the case, concerned about a child victim testifying and facing the defendant who was accused of assaulting the child. The entire show is rather remarkably one-sided—and thus drives directly to a guilty verdict. The case was a sixty-five-year-old man allegedly luring and tying up a twelve-year-old girl in the same apartment complex. There was some room for "reasonable doubt"—the accused had an alibi (an elderly woman who testifies he was visiting her during the events), and the guy had a new male roommate with a record of violating a minor, which the defense tries to introduce as perhaps mistaken identity as to the culprit. But the accused is found guilty. And without any explanation of the discrepancy, the sentencing judge is a different person than the trial judge. There is no behind the scenes with the defense attorney, or even a formal interview with him or the defendant, no post-mortem with the jurors, and no expert commentary.

From Window on the World to Data Screen

The metamorphosis of Court TV over the past decade shows the change from a fairly simple production technique and standard visuals to a more highly articulated form. The original appeal of Court TV relied on a stripped-down, simple presentation of trials in real time. The current articulation presents a dense screen real estate, which combined with an extensive commentary and website tracking of specific trials, encourages in-

formation gathering and updating on an continual basis. At the same time, the remarkable variety and diversity of the initial days has continuously given way to "mainstreaming" and attempts to copycat trends in other industry sectors. Court TV has thus evolved from a C-SPAN type of public service programming to a glitzy, mainstream-influenced, dramatic, sensational, and celebrity-based concept. It has had to make these changes for the sake of its own survival in a multichannel universe populated by more and more competitors.

Although Court TV has moved toward the traditional entertainment network model, the mainstream networks have incorporated some of the successes of Court TV. From *Dateline NBC's* direct use of Court TV packages, *Survivor's* jurylike Tribal Council, or *48 Hours'* "Monday Night Mystery," Court TV's influence can be seen across popular reality programming. While Court TV has moved more aggressively to "crimes of the rich and famous" and entertainment business squabbles that end up in litigation, in turn, a channel like Animal Planet searches for success with its new show *Animal Court* (conducted by the well-known Judge Wapner) with trials that involve pet owners.

NOTES

The authors are equal coauthors. We first presented parts of this work as "Juridical Visual Forms: The Evolution of Court TV and the O. J. Simpson Pretrial Hearing," at the Visible Evidence conference, University of Southern California, 1994. Court TV staff provided valuable background information in 1994 phone and in-person interviews.

1. See Chad Raphael's foundational discussion of the economics of reality programming, "The Political Economy of Reali-TV," *Jump Cut* 41 (1997): 102-9, and the version in this volume.
2. See <http://www.courtstv.com/press/rtnsgaug.html>.
3. See "Court TV Has Highest Quarterly Ratings in Network's History," *Business Wire*, 2 April 2002; and "Court TV to Spend Record \$160 Million on Programming over the Next Two Years," *Business Wire*, 24 April 2002.
4. See "Court TV Has Highest Quarterly Ratings in Network's History."
5. "Court TV Launches Multimillion Dollar Rebranding Campaign for Seventy-Million Viewer Network," *Business Wire*, 5 March 2002.
6. See Jim Rutenberg, "Reality Television Strikes a Stark Note in a New Show," *New York Times*, 21 August 2000, C1.
7. Teenager Amy Fisher was charged with shooting the wife of her lover, Joey

Buttafuoco. The notorious event and the personalities involved made the incident a running joke on late-night TV, and in the aftermath, three different network dramatic re-creations appeared: "Amy Fisher: My Story," NBC, 28 December 1992; "Casualties of Love," CBS, 3 January 1993; and "The Amy Fisher Story," ABC, 3 January 1993.

8. Smith's uncle, Senator Edward Kennedy, was called in defense of the accused. The trial was one of the first major celebrity trials that put Court TV on the map of public consciousness.

9. Southern California twenty-somethings Erik and Lyle Menendez were tried for the shotgun execution of their wealthy parents. The defense in their first trial centered on presenting them as victims of parental abuse who were thus justified in their murder. After a hung jury in the first trial, in a second one they were convicted.

10. Perhaps the only more restricted format in cable television is CSPAN, which was mandated to cover congressional proceedings with a continuous, fixed camera after senators and representatives complained that providing reverse shots of the often empty chamber gave a technically true, yet misleading (and more to the point, embarrassing) depiction of official speeches and congressional activity.

11. Court TV appealed to images of a well-functioning Jeffersonian democracy, one in which a more informed public is more active.

12. Lloyd Trufelman, director of public relations at Court TV, telephone interview, 9 February 1994.

13. See David Tobenkin, "Court TV Takes Case to Video," *Hollywood Reporter*, 2 December 1993.

14. See Alan M. Dershowitz, "At Issue: Court TV," *American Bar Association Journal* (May 1994): 46. Of course, Dershowitz is himself one of the country's top celebrity lawyers.

15. The dot and blur have become signifiers of "authenticity" and documentary truth. Subsequently, the blue dot and digital pixilation blur became joke elements in parody skits on *Saturday Night Live* and *Mad TV*.

16. An extended discussion of the Steinberg/Nussbaum trial based on interviews forms the core of Paul Thaler, *The Watchful Eye: American Justice in the Age of the Television Trial* (Westport, Conn.: Praeger, 1994). Left liberal academic George Gerbner has argued against TV trial coverage, asserting that "reporters" should be the appropriate experts to interpret judicial events for the public—a view that seems naive about the nature of the press, and derogatory to democratic ideals and the jury system itself (Gerbner on *Morning Edition*, National Public Radio, 12 July 1994).

17. While this makes intrinsic sense to those who are not involved in the media, it is significant to the industry, and the ramifications are great. The characters that appear across the bottom of the television screen, most often to identify the person speaking, are made by a device called a "character generator." This de-

vice made more instantaneous the communication of identity and changing data information (sports scores and election returns), but these functions were conceptually limited while live video was available. Within the industry, the device, the use of it, and the results of its use were denoted by the various parts of speech formable by the words "character generator," "CG," "title," and the brand name of the equipment (Chyron, Dubner, and so on).

18. Captioning has also been a "term of art" in the media industry, referring principally to closed or open captioning for the hearing impaired. In this case, the authors are speaking about the graphics as captioning or labeling the action and providing external information that the producers have determined might be of interest to the viewer.

19. The media-as-sports metaphor has also been applied to news. Allison Romano, a media news executive, "prefers what some have called play-by-play news, which covers the stock market more like sports" ("CNBC's Cohen Declares Split," *Broadcasting and Cable*, 12 August 2002, 14).

20. Trufelman, telephone interview.

21. Mike Freeman, "New Line Courts Success," *Broadcasting*, 13 December 1993, 28.

22. See *Broadcasting and Cable*, 8 July 2002, 4. The "cost per thousand" viewers is a common metric in the television industry to show the relative pricing of different channels.

23. See Valerie Block, "A Reprieve for Court TV," *Crain's New York Business*, 3 January 2000, 1.

24. *Ibid.*

25. See "Court TV to Spend Record \$160 Million on Programming over the Next Two Years," *Business Wire*, 24 April 2002.

26. *Ibid.*

27. "Mystery on Slide Mountain," 13 August 2002, CBSNews.com, <http://www.cbsnews.com/stories/2002/03/08/48hours/printable503311.shtml>.

28. Internal evidence reveals the show was put together in terms of an extremely economical production process, and was probably rough cut before the second trial began and quickly finished off days after the verdict.